

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 No. 1:15-cr-10271-WGY

4
5
6 UNITED STATES OF AMERICA

7
8 vs.

9
10 ALEX LEVIN

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12 *****

13
14 For Jury Trial Before:
15 Judge William G. Young

16
17 United States District Court
18 District of Massachusetts (Boston.)
19 One Courthouse Way
20 Boston, Massachusetts 02210
Thursday, May 30, 2019

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23 REPORTER: RICHARD H. ROMANOW, RPR
24 Official Court Reporter
United States District Court
One Courthouse Way, Room 5510, Boston, MA 02210
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for the defendant

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I N D E X

VERDICT..... 6

E X H I B I T S

(None marked.)

1 P R O C E E D I N G S

2 (Jury enters, 9:15 a.m.)

3 THE COURT: Good morning, ladies and
4 gentlemen. Thank you for all your efforts to be here
5 right on time.

6 Now this is very serious and you're on your oath
7 as jurors. Let the record show that the 12 deliberating
8 jurors and the two alternates are present in the
9 courtroom.

10 On your oath as jurors, since we recessed at 4:10
11 yesterday afternoon, have any of you heard, read, or
12 seen anything at all concerning the substance of this
13 case? Have you discussed the substance of this case
14 with anyone, including among yourselves? Have the
15 deliberating jurors talked about the substance of the
16 case with the alternates or the alternates with the
17 deliberating jurors?

18 THE JURY: (In unison.) No.

19 THE COURT: The jury answers in the negative.

20 Now, due to Mr. Romanow's very hard work yesterday
21 evening, we have the entirety, as I am required to do,
22 of the testimony of the witness which you requested, and
23 Ms. Gaudet will give it to you to have in the jury room.
24 And naturally you requested it and you can look through
25 it for whatever information you want.

1 I caution you that while I have given you the
2 testimony of a particular witness at your request, which
3 is my general practice, you are to look at his testimony
4 as a whole, consider the cross-examination as well as
5 the direct examination, if the information you're
6 looking for is found in the direct examination. If it's
7 found in the cross-examination, consider the direct
8 examination as well.

9 Also, having given you the testimony of one
10 witness, I caution you, that that does not make that
11 witness better or more persuasive. I'm simply giving
12 you the testimony at your request to aid you in your
13 deliberations. You must consider the testimony of all
14 the witnesses and all the exhibits, the stipulation and
15 admission, as I've told you, in order to decide the
16 case. Don't just focus on one witness.

17 Remember your powers, you can believe everything a
18 witness had to say, you can disbelieve everything a
19 witness had to say, any witness, or you can believe
20 parts of what a witness had to say and disbelieve other
21 parts.

22 With those instructions and with the transcript --
23 Yes, Mr. Carney?

24 MR. CARNEY: Your Honor, I just want to inform
25 you that my client called, he was on the Commuter Rail,

1 he expects to be here in 5 minutes. There was a delay
2 on the Commuter Rail.

3 THE COURT: I hold nothing against him, I was
4 just getting them to work, and I acknowledge that, and I
5 have no question about it.

6 MR. CARNEY: Thank you, your Honor.

7 THE COURT: All right. Now with those
8 instructions, you may retire and continue your
9 deliberations.

10 THE CLERK: All rise for the jury.

11 (Jury leaves, 9:20 a.m.)

12 (Jury enters, 9:55 a.m., verdict.)

13 THE CLERK: Madam Forelady, members of the
14 jury, has the jury reached a unanimous verdict?

15 THE JUROR: We have.

16 (Verdict slips passed to judge.)

17 THE COURT: The verdict is in order. It may
18 be recorded.

19 THE CLERK: Madam Forelady, members of the
20 jury, please stand and listen to the verdict as the
21 Court records it.

22 In the matter of United States of America versus
23 Alex Levin, Criminal Action Number 15-10271, on the
24 charge of knowing possession of child pornography
25 affecting interstate commerce, we find Alex Levin:

1 Guilty.

2 So say you, Madam Forelady, is that your verdict?

3 THE FOREPERSON: Yes.

4 THE CLERK: So say you, members of the jury?

5 THE JURY: (In unison.) Yes.

6 THE COURT: Please be seated.

7 Ladies and gentlemen, I want to thank you, I thank
8 you not for your verdict, I thank you whatever your
9 verdict was, but I thank you most sincerely, and I
10 include the alternates, for the obvious care and
11 attention, the time you've taken to reflect on these
12 matters.

13 This trial is over. You have every right to say
14 anything to anyone about anything. You'll be excused.
15 I'd like to come back to the jury room and thank you
16 personally, but you're excused and the proceedings are
17 at an end.

18 Nobody who's been involved in this case will
19 contact you in any way. Those are the rules of court.
20 They're strictly enforced.

21 Now there hasn't been much or anything I can see
22 in the media about this case, but that doesn't mean
23 there couldn't be, and it doesn't mean that someone in
24 the media might not contact you. The trial's over, you
25 have a right to say anything that you want. Even so I'm

1 now going to ask you, with the trial over I can't charge
2 you or tell you, but I ask you, it's best that you not
3 talk about what went on in the jury room, that's private
4 to the 12 of you. By your verdict you've spoken the
5 truth about these matters, let your verdict stand for
6 your deliberations.

7 You may stand in recess. I'd like you to wait for
8 just a minute because I want to come back and thank you.
9 But the jury may recess.

10 THE CLERK: All rise for the jury.

11 (Jury leaves, 9:55 a.m.)

12 THE COURT: Please be seated.

13 Ms. Gaudet will suggest a sentencing date. And as
14 we have reserved, should you wish enhancements here,
15 Ms. Paruti, that are not covered by the evidence that's
16 in, um, you understand that you will prove them so that
17 we'll have to allocate, let's say, an afternoon for
18 doing that.

19 I propose that we set sentencing to include such
20 evidentiary proof for 2:00 Wednesday afternoon,
21 September 11th.

22 How does that suit?

23 MS. PARUTI: Your Honor, I actually don't have
24 my calendar available to me today. I left my phone at
25 home. So I'll check with the witnesses to make sure

1 that they are available and if there's a problem, I'll
2 notify Ms. Gaudet.

3 THE COURT: Well -- is that all right with
4 you, Mr. Carney?

5 MR. CARNEY: The 11th would be fine, your
6 Honor.

7 THE COURT: All right, so we'll set that date
8 and if there's an issue, you raise it.

9 Status of bail in the meantime?

10 MS. PARUTI: Well, your Honor, I believe
11 there's a presumption for detention pursuant to Title
12 18, United States Code, Section 3143 --

13 THE COURT: I think that's right.

14 MS. PARUTI: So at this point, um, without
15 that evidence before me or before the Court, I would
16 move to detain the defendant pending sentencing.

17 THE COURT: Yes, that is the presumption,
18 Mr. Carney.

19 MR. CARNEY: Your Honor, it's a rebuttable
20 presumption.

21 THE COURT: I can see that and I'll hear you.

22 MR. CARNEY: The defendant has been released
23 on bail for almost four years now and he has strictly
24 honored all of the conditions of bail and appeared
25 whenever he was required to appear. He held a job for

1 most of that time, although ultimately when Amazon found
2 out about the pendency of these charges, they discharged
3 him. But he's been gainfully employed. He's got a lot
4 of family support, his fiancée and his brother are here,
5 they've attended most of the trial themselves, and I
6 think that shows that he is not a flight risk.

7 THE COURT: Thank you.

8 I hear what you say, it's a most severe crime, I'm
9 going to follow the presumption, he's ordered remanded
10 to the custody of the marshals. We'll recess.

11 (Ends, 10:00 a.m.)

12
13 C E R T I F I C A T E

14
15 I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER, do
16 hereby certify that the forgoing transcript of the
17 record is a true and accurate transcription of my
18 stenographic notes, before Judge William G. Young, on
19 Thursday, May 30, 2019, to the best of my skill and
20 ability.

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22
23 /s/ Richard H. Romanow 06-25-20

24 _____
RICHARD H. ROMANOW Date

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